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MONTANA LEGISLATIVE HISTORY

Chapter 166 1989

Bill H 276 S _____ Original bill & history ____C

H. Committee on Ag. Livestock & Irrig.		S. Committee on Ag. Livestock & Irrig.	
Hearing Date(s) Feb 1	✓ C	Hearing Date(s) Mar 03	✓ C
_____	____C	_____	____C
_____	____C	_____	____C
_____	____C	_____	____C
Date Out Feb 2	✓ C	Mar 06	✓ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

1/25	HEARING		
1/26	COMMITTEE REPORT--BILL PASSED		
1/28	2ND READING PASSED	89	5
1/31	3RD READING PASSED	92	5
	TRANSMITTED TO SENATE		
2/02	REFERRED TO EDUCATION & CULTURAL RESOURCES		
2/06	HEARING		
2/08	COMMITTEE REPORT--BILL CONCURRED		
2/11	2ND READING CONCURRED	46	0
2/14	3RD READING CONCURRED	46	0
	RETURNED TO HOUSE		
2/18	SIGNED BY SPEAKER		
2/22	SIGNED BY PRESIDENT		
2/22	TRANSMITTED TO GOVERNOR		
2/24	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 43 EFFECTIVE DATE: 7/01/89		

HB 276 INTRODUCED BY PATTERSON, ET AL.
REVISE LIVESTOCK LAW
BY REQUEST OF DEPARTMENT OF LIVESTOCK

1/17	INTRODUCED		
1/18	REFERRED TO AGRICULTURE, LIVESTOCK & IRRIG.		
1/19	FISCAL NOTE REQUESTED		
1/25	FISCAL NOTE RECEIVED		
1/26	FISCAL NOTE PRINTED		
2/01	HEARING		
2/02	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/04	2ND READING PASSED	91	2
2/07	3RD READING PASSED	97	2
	TRANSMITTED TO SENATE		
2/08	REFERRED TO AGRICULTURE, LIVESTOCK & IRRIG.		
3/03	HEARING		
3/06	COMMITTEE REPORT--BILL CONCURRED		
3/07	2ND READING CONCURRED	50	0
3/09	3RD READING CONCURRED	50	0
	RETURNED TO HOUSE		
3/14	SIGNED BY SPEAKER		
3/15	SIGNED BY PRESIDENT		
3/15	TRANSMITTED TO GOVERNOR		
3/20	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 166 EFFECTIVE DATE: 3/20/89		

HB 277 INTRODUCED BY RANEY, ET AL.
APPROPRIATE MONEY FOR SUPPORT AND PRODUCTION OF PROGRAMMING AND MAINTENANCE OF KUSM, THE ONLY LICENSED PUBLIC TELEVISION STATION IN MONTANA

1/17	INTRODUCED		
1/18	REFERRED TO APPROPRIATIONS		
3/02	HEARING		
3/08	HEARING		
3/18	COMMITTEE REPORT--BILL PASSED AS AMENDED		
3/20	2ND READING PASSED	66	29
3/22	3RD READING PASSED	59	37

HOUSE BILL NO. 276

INTRODUCED BY PATTERSON, BOYLAN, ZOOK, SWIFT, KASTEN, GIACOMETTO, HANSON, GLASER, GRINDE, KELLER, KOEHNKE, ELLISON, GRADY, DEBRUYCKER, IVERSON, DEVLIN, BENGTSON, GUTHRIE, SEVERSON, DAILY, NATHE

BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

IN THE HOUSE

JANUARY 13, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION.
JANUARY 18, 1989	FIRST READING.
FEBRUARY 2, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 3, 1989	PRINTING REPORT.
FEBRUARY 4, 1989	SECOND READING, DO PASS.
FEBRUARY 6, 1989	ENGROSSING REPORT.
FEBRUARY 7, 1989	THIRD READING, PASSED. AYES, 97; NOES, 2.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 8, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION.
	FIRST READING.
MARCH 6, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 7, 1989	SECOND READING, CONCURRED IN.
MARCH 9, 1989	THIRD READING, CONCURRED IN. AYES, 50; NOES, 0.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 10, 1989 RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

LC 0658/01

House BILL NO. 276

INTRODUCED BY [signatures]

BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS RELATING TO LIVESTOCK; PROVIDING FOR SEASONAL BRANDS OF LIMITED DURATION; REVISING BRAND INSPECTION AND TRANSPORTATION PERMIT PROVISIONS; DELETING PROVISIONS RELATING TO TRANSPORTATION OF LIVESTOCK BY RAILROAD; DELETING THE BRAND INSPECTION REQUIREMENT FOR IMPORTED LIVESTOCK; INCLUDING LLAMAS AND BISON IN LAWS RELATING TO CONTAINMENT OF LIVESTOCK AND UNAUTHORIZED MOVEMENT OR TRANSPORTATION OF LIVESTOCK; AMENDING SECTIONS 81-2-702, 81-3-103, 81-3-203, 81-3-205, 81-3-211 THROUGH 81-3-214, 81-3-231, 81-4-201, 81-4-214, 81-4-215, 81-4-306, 81-4-401, 81-4-402, 81-4-601, 81-4-603, 81-4-621, 81-5-101, AND 81-5-104, MCA; AND REPEALING SECTIONS 81-4-607 THROUGH 81-4-610, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 81-2-702, MCA, is amended to read:

"81-2-702. Definitions. As used in this part, the following definitions apply:

(1) "Animals" means livestock, dogs, cats, rabbits, rodents, game animals, fur-bearing and wild animals, and poultry and other birds.

(2) "Biologics" means medicinal preparations made from living organisms and their products. It includes but is not limited to serums, vaccines, antigens, and antitoxins.

(3) "Department" means the department of livestock.

(4) "Health certificate" means a legible record written on an official health certificate form of the state of origin or on an equivalent form of the U.S. department of agriculture attesting that the animals, animal semen, or animal biologics described thereon have been visually inspected by a federally accredited veterinarian and found to meet the entry requirements of the state of Montana.

(5) "Livestock" means cattle, horses, mules, asses, sheep, llamas, bison, swine, and goats.

(6) "Permit" means an official document issued by the department after proper application that allows the movement of animals, animal semen, or animal biologics into Montana.

(7) "Poultry" means domesticated birds, including but not limited to chickens, turkeys, ducks, geese, guinea fowl, pigeons, and pheasants."

Section 2. Section 81-3-103, MCA, is amended to read:

"81-3-103. Application for recording -- record of brands. (1) A person, firm, or corporation desiring to have recorded an artificial mark or brand for use in distinguishing or identifying the ownership of any domestic

INTRODUCED BILL
HB 276

animal or livestock shall make application for the mark or brand to the department. The application must be in writing and must contain the name, residence, and post-office address of the applicant and the species of the animals on which the mark or brand is to be used. An applicant may apply for a seasonal mark or brand that is designated for use only for a specific period of time and that is subject to renewal upon termination of that period.

(2) The department shall designate for the applicant's use some practical form of mark or brand distinguishable with reasonable certainty from all other marks and brands recorded or rerecorded, within the period of 10 years immediately preceding the time of filing the application, in the name of some person, firm, or corporation other than the applicant. The department shall designate the position on the animals on which the mark or brand shall be placed and the species of animals on which the mark or brand may be used.

(3) The department shall keep a record in a book kept by it for that purpose of the particular mark or brand, the position on the animal where the mark or brand is to be used, the species of animals on which the mark or brand is to be used, and the date of recording. The record is a public record and is prima facie evidence of the facts recorded in it."

Section 3. Section 81-3-203, MCA, is amended to read:

"81-3-203. Duties of state stock inspectors and deputy stock inspectors. (1) State stock inspectors and deputy state stock inspectors, upon the application of the owner or the duly authorized agent of the owner of livestock, shall inspect the livestock which is intended for sale, removal, shipment, or slaughter at a licensed slaughter plant and issue a certificate of inspection therefor if it appears with reasonable certainty that the applicant is the owner of the livestock or has the lawful right to the possession thereof.

(2) The inspection shall include an examination of the livestock and all marks and brands thereon to identify ownership of the livestock. The certificate of inspection shall be made in triplicate and shall specify the date of inspection, the place of origin and place of destination of the shipment, the name and address of the owner of the livestock or of the applicant for inspection and the purchaser or transferee, if applicable, the class of the animal, the marks and brands, if any, upon the animal, and any other information upon the form of certificate as the department may from time to time require. One copy of the certificate shall be retained by the inspector, one copy shall be furnished by the inspector to the owner or shipper of the livestock, and one copy shall be filed by the

inspector with the department within 5 days.

(3) If it appears with reasonable certainty that the applicant is the owner of the livestock or has the lawful right to the possession thereof, the state stock inspectors or deputy state stock inspectors ~~or any sheriff or deputy sheriff~~, upon application of an owner or his agent of the livestock to be consigned and delivered directly to a licensed livestock market or licensed livestock slaughterhouse located in another county of the state or delivered directly to a shipping point duly approved by the department where a livestock inspector is available for inspection in an adjoining county, shall issue to the person a separate market consignment permit or transportation permit for each owner when the owner or owners or their duly authorized agents sign the permit certifying the brands, description, and destination of the livestock. The market consignment permit or transportation permit shall be made in triplicate, shall specify the date and time issued, the place of origin and place of destination of the shipment, the name and address of the owner of the livestock and the name and address of the person actually transporting the livestock if different than the owner, the kind of livestock, the marks and brands, if any, upon the livestock, a description of the vehicle or vehicles to be used to transport the livestock to include the license number of the

vehicles, and any other information upon the form of permit as the department may from time to time require. Any permit so issued shall be good for shipment within 36 hours from date and time of issue; however, permits not used within this time limitation must be returned to the issuing officer to be canceled and to release the permittee from performance. One copy of the permit shall be retained by the inspector ~~or sheriff's office~~, one copy shall be filed by the inspector ~~or sheriff's office~~ with the department within 5 days of the date of issue, and one copy shall be furnished by the inspector ~~or sheriff's office~~ to the owner or shipper of the livestock, which copy of the permit shall accompany the shipment and be delivered to the state stock inspector at the livestock market or shipping point where the livestock is delivered.

(4) Upon application of an owner or his agent, when it appears with reasonable certainty that the applicant is the owner of the livestock or has lawful right to the possession thereof, a state stock inspector shall issue a transportation permit which will allow the movement of the livestock into an ~~immediately~~ adjoining county to land owned or controlled by the owner or his agent for purposes of grazing. The transportation permit shall state the breed, description, marks and brands, if any, head count, and description of land to and from which the livestock will be

moved. The permit ~~will be~~ is valid ~~for 6 months~~ as provided in 81-3-211(6)(d). A state stock inspector may enter the premises where livestock so moved have been transported and inspect any livestock moved under the transportation permit or any livestock commingled therewith.

(5) Any person transporting strays or livestock not lawfully under his control is guilty of a misdemeanor and punishable as provided in 81-3-231."

Section 4. Section 81-3-205, MCA, is amended to read:

"81-3-205. Fees for inspection and livestock transportation permits. (1) For the service of inspection of all livestock except horses, mules, or asses before removal from a county or before change of ownership, the inspector making the inspections shall receive a fee established by the department for each head inspected. For the issuance of a market consignment permit or transportation permit (other than a permanent permit) before removal from a county for all livestock, the inspector~~, sheriff, or deputy sheriff~~ issuing the permits shall receive a fee established by the department for each permit issued and shall receive in addition his necessary actual expenses, to be paid by the owner or the person for whom the inspection is made or permit issued. For the issuance of a permanent horse transportation permit, the state stock inspector taking the application for permit shall receive a fee established by

the department for each permit issued. All inspection and permit fees and expenses shall be collected by the inspector~~, sheriff, or deputy sheriff~~ at the time of inspection or issuance of permit, and all the fees and expenses collected by a deputy state stock inspector~~, sheriff, or deputy sheriff~~ shall be retained by him, and all such fees and expenses collected by a state stock inspector shall be sent by him to the department for deposit in the state treasury to the credit of the state special revenue fund for the use of the department.

(2) For the service of inspection before any livestock except a horse, mule, or ass is sold or offered for sale at a licensed livestock market or slaughtered at a licensed slaughterhouse, a state stock inspector or deputy state stock inspector making the inspection shall receive a fee established by the department for each head inspected. All fees shall be paid by the owner or by the person for whom the inspection is made. For releasing an animal so that it may be removed from the premises of a licensed livestock market, the state stock inspector making the release shall receive a fee established by the department for each head inspected from the owner or the person for whom the release is made. All fees for inspection and release at the market shall be collected at the time the inspection or release is made by the state stock inspector making the inspection or

release and shall be sent by him to the department for deposit in the state treasury to the credit of the state special revenue fund for the use of the department. All fees for preslaughter inspection made at a licensed slaughterhouse by the state stock inspector shall be paid to the department for deposit in the state treasury to the credit of the state special revenue fund for the use of the department. Preslaughter inspection fees paid to a deputy state stock inspector shall be retained by him.

(3) (a) For the service of inspection of horses, mules, or asses before removal from a county or before change of ownership, the inspector making the inspection shall receive a fee established by the department for each head inspected and shall receive in addition his necessary actual expenses, to be paid by the owner or the person for whom the inspection is made. All fees and expenses collected by a state stock inspector must be sent by him to the department for deposit in the state treasury to the credit of the state special revenue fund for the use of the department.

(b) For the service of inspection before a horse, mule, or ass is sold or offered for sale at a licensed livestock market, a state stock inspector making the inspection shall receive a fee established by the department for each head inspected. All fees shall be paid by the owner

or the person for whom the inspection is made to the state stock inspector.

(4) All inspection and release fees and expenses shall be paid to the department for deposit in the state treasury to the credit of the state special revenue fund for the use of the department unless paid to a deputy state stock inspector. State stock inspectors shall be paid for their services and receive their expenses as fixed by the department."

Section 5. Section 81-3-211, MCA, is amended to read:

"81-3-211. Inspection of livestock before change of ownership or removal from county -- transportation permits. (1) For the purposes of this section:

(a) "Members of the same family" means a group whose membership is determined by including an individual, his spouse, and his parents, children, grandchildren, and the spouses of each.

(b) "Family business entity" means:

(i) a corporation whose stock is owned solely by members of the same family;

(ii) a partnership in which the partners are all members of the same family;

(iii) an association whose members all are members of the same family; or

(iv) any other entity owned solely by members of the

same family.

(c) "Rodeo producer" means a person who produces or furnishes livestock that is used for rodeo purposes.

(2) Except as otherwise provided in this part, it is unlawful to remove or cause to be removed from a county in this state any livestock or to transfer ownership by sale or otherwise or for an intended purchaser or his agent to take possession of any such animal subject to title passing upon meeting or satisfaction of any conditions, unless the livestock has been inspected for brands by a state stock inspector or deputy state stock inspector and a certificate of the inspection has been issued in connection with and for the purpose of the transportation or removal or of such change of ownership as provided in this part. The inspection must be made in daylight. However, the change of ownership inspection requirements of this subsection do not apply when the change of ownership transaction is accomplished without the livestock changing premises, involves part of a herd to which no livestock have been added other than by natural increase or after brand inspection, and is between:

(a) members of the same family;

(b) a member of one family and the same family's business entity; or

(c) the same family's business entities.

(3) (a) It is unlawful to sell or offer for sale at a

livestock market any livestock originating within any county in this state in which a livestock market is maintained or transported under a market consignment permit until the livestock has been inspected for marks and brands by a state stock inspector, as provided in this part.

(b) It is unlawful to slaughter livestock at a licensed livestock slaughterhouse unless the livestock has been inspected for marks or brands by a state or deputy state stock inspector.

(4) It is unlawful to remove or cause to be removed any livestock from the premises of a livestock market in this state unless the livestock has been released by a state stock inspector and a certificate of release for the livestock has been issued in connection with and for the purpose of the removal from the premises of the livestock market. The release obtained pursuant to this subsection will permit the movement of the livestock so released directly to the destination shown on the certificate.

(5) The person in charge of livestock being removed from a county in this state, where inspection thereof is required by this section or where change of ownership has occurred or when moved under a market consignment permit or a market release certificate, shall have in his possession the certificate of inspection, market consignment permit, transportation permit, or market release certificate issued

in connection therewith and shall exhibit the certificate to any sheriff, deputy sheriff, constable, gross vehicle weight enforcement officer, highway patrolman, state stock inspector, or deputy state stock inspector upon request. Section 81-3-204 shall be extended to livestock transported or sold under the above-mentioned permits.

(6) The following transportation permits may be issued:

(a) If a saddle, work, or show horse is being transported from county to county in this state by the owner for his personal use or business or where a purebred cow is being transported from county to county in this state by its owner for show purposes and where there is no change of ownership, the inspection certificate required by this section may be endorsed, as to the purpose and extent of transportation, by the inspector issuing the certificate in order to serve as a travel permit in this state for a period not to exceed 1 year for the horse or cow described thereon. The permit becomes void upon any transfer of ownership or if the horse or cow is to be removed from the state. In such instances an inspection must be secured for removal and the endorsed certificate surrendered.

(b) The owner of a saddle, work, or show horse may apply for a permanent transportation permit valid for both interstate and intrastate transportation of the horse until

there is a change of ownership. To obtain a permit a horse must have either a registered brand that has been legally cleared or a lip tattoo or the owner must present proof of ownership to a state stock inspector. A written application, on forms to be provided by the department, must be completed by the owner and presented to a state stock inspector, together with a permit fee established by the department, for each horse. The application shall contain a thorough physical description of the horse and list all brands and tattoos carried by the horse. Upon approval of the application by a state stock inspector, a permanent transportation permit shall be issued by the department to the owner for each horse, and such permit shall be valid for the life of the horse. If there is a change of ownership in a horse, the permit shall automatically become void. The permit must accompany the horse for which it was issued at all times while the horse is in transit. This permit shall be in lieu of other permits and certificates required under the provisions of this section. The state of Montana shall recognize as valid permanent transportation permits issued in other jurisdictions to the owner of a saddle, work, or show horse subsequently entering the state. Such a permit shall be automatically void upon a change of ownership.

(c) When livestock owned by and bearing the registered brand of a bona fide rodeo producer is being transported

from county to county in this state by the owner for rodeo purposes and where there is no change of ownership, the inspection certificate required by this section may be endorsed, as to the purpose and extent of transportation, by the inspector issuing the certificate in order to serve as a travel permit in this state for the livestock described thereon. The certificate is effective for the calendar year for which it is issued. The certificate shall be issued by a state stock inspector.

(d) An owner of livestock or his agent may be issued a transportation permit allowing the movement of his livestock into an ~~immediately~~ adjoining county and return when the livestock is being moved for grazing purposes and when it is being moved to and from land owned or controlled by the owner of the livestock or his agent. The permit is valid for ~~6-months~~ the period from March 31 through December 31 of the calendar year in which it is issued and must be issued by a state stock inspector. The permit may be issued only if the livestock is branded with the permittee's brand, which must be registered in Montana. The department shall establish a fee for the permit, to be paid to the state stock inspector at the time the permit is issued and remitted by him to the department for deposit in the state treasury to the credit of the state special revenue fund for the use of the department. This permit may be used in lieu of the

inspection and certificate required by this section for movement of livestock across a county line.

(7) Before any removal or change of ownership may take place, the seller of livestock shall request all required inspections and shall pay the required fees."

Section 6. Section 81-3-212, MCA, is amended to read:

"81-3-212. Exceptions. Section 81-3-211 does not apply to livestock:

(1) being transported through the state in interstate commerce without leaving the custody of the carrier;

~~(2)--transported--by--railroad--consigned-to-and-which, without-leaving-the-custody-of-the--carrier,--does--reach--a market--at--which-the-department-regularly-maintains-a-stock inspector-and-a-loading-tally-has-been-filed-by-the--shipper with-the-carrier-as-provided-in-61-4-607;~~

~~(3)~~(2) when driven on the hoof and not moved by means of any motor vehicle, trailer, horse-drawn vehicle, ~~railroad car,~~ or boat by the owner from one county to ~~the--next~~ an adjoining county within the state onto land owned or controlled by the owner of livestock so moved for the purpose of pasturing, feeding, or changing the range thereof;

~~(4)~~(3) when driven on the hoof or moved by means of a motor vehicle, trailer, horse-drawn vehicle, ~~railroad-car,~~ or boat by the owner from one county to ~~the--next~~ an

adjoining county within this state onto land owned or controlled by the owner of livestock without leaving land owned or controlled by the owner when moved for the purpose of pasturing, feeding, or changing the range thereof;

~~(5)~~(4) when driven on the hoof from one county to an adjoining county within this state for the purpose of ~~shipment-by-railroad-or~~ delivery to a licensed public market by a person who has been the owner of that livestock for a period of at least 3 months;

~~(6)~~(5) from one county to be consigned to, and which actually reaches ~~by-means-other-than--railroad~~, a licensed livestock market located in another county of the state at which the department regularly maintains a stock inspector and for which a market consignment permit has been obtained in a manner provided by law;

~~(7)--when-hauled-by-truck-or-trailer-from-one-county-to-an-adjoining-county-within-the--state--for--the--purpose--of-shipment--by-railroad-at-which-shipping-point-the-department-maintains-a-stock-inspector-or-where-a--deputy--state--stock-inspector-is-available-and-for-which-a-transportation-permit-has-been-obtained-in-the-manner-provided-by-law;~~

(6) being transported to a veterinarian for health treatment and returned to their original premises if certification of treatment by the attending veterinarian accompanies the livestock on their return."

Section 7. Section 81-3-213, MCA, is amended to read:

"**81-3-213. Inspection of livestock removed from state.** Except as provided for in ~~subsections--(1)--and--(2)-of~~ 81-3-212(1) and ~~subsections-(4)-and--(6)(b)--of~~ 81-3-211(4) and (6)(b), nothing contained in this part authorizes or permits a person to remove or cause to be removed livestock from this state to a location outside of this state, unless the livestock has been inspected for brands by a state stock inspector or deputy state stock inspector and a certificate for the inspection has been issued in connection with and for the purpose of the transportation or removal as provided in this part."

Section 8. Section 81-3-214, MCA, is amended to read:

"**81-3-214. ~~Inspection---of--imported--livestock~~ Entry permit.** ~~(1)-Except-as-provided-in-subsections-(2)-and-(3)-of-this-section,-any-person-owning-livestock-imported-into-this-state-or-his-agent-must-notify-the-department-or-a--salaried-employee--of--the-department-of-the-number,-breed,-type,-and-age-of-the-livestock,-its--location,--and--the--purpose--for-which--it-has-been-brought-into-the-state.-Such-notification-shall-be-made-within-48--hours--after--the--arrival--of--the-livestock--in--the--state.--Livestock--so--moved--may-not-be-commingled-with--any--livestock--already--in--Montana--until-inspected--for-brands-and-marks-in-daylight-by-a-state-stock-inspector-or-deputy-state-stock-inspector.-The-fees-for-this~~

~~inspection--shall--be--the--same--as---those---imposed---for county-line--or--change-of-ownership--inspections.--The-fees paid-to-state-stock-inspectors--shall--be--remitted--to--the department-for-deposit-in-the-state-special-revenue-fund-for the-use-of-the-department.~~

~~(2)--livestock-consigned-to-a-licensed-livestock-market or--for-immediate-slaughter-to-a-licensed-slaughter-facility at-which-preslaughter-inspection--is--maintained--is--exempt from-the-requirements-of-this-section.~~

~~(3)--livestock--moved--between--Montana-and-an-adjacent state-for-graze-on-a-regular-basis-and-as-part-of-the--usual operation-of-a-farm-or-ranch-shall-be-exempt-from-the-notice and--inspection--requirements--of-this-section,-provided-a~~ A transportation permit for the entry of the livestock into Montana ~~has-been~~ must be obtained by the owner or his agent from a state stock inspector prior to the entry of the livestock into Montana. The department shall establish a fee for the permit, to be remitted by the department to the state treasury for credit to the state special revenue account of the department. The department shall provide by rule for the issuance and control of transportation permits authorized by this ~~subsection~~ section."

Section 9. Section 81-3-231, MCA, is amended to read:

"81-3-231. Penalties. (1) A person is guilty of a misdemeanor and is punishable as provided in subsection ~~(6)~~ (5) of this section if he removes livestock or causes livestock to be removed from a county in this state:

(a) without having the livestock inspected before removal if an inspection is required by law;

(b) without obtaining a market consignment permit or transportation permit if the permits are required by law;

(c) and does obtain a market consignment permit for livestock but does not deliver the livestock transported thereunder to the livestock market designated in the market consignment permit;

(d) and does obtain a transportation permit for the livestock but does not deliver the livestock transported thereunder to the destination as shown on the transportation permit and fails to have the livestock so transported inspected at the point of destination ~~or-does-not-file-a loading-tally-with-the-carrier-as-provided-in-81-4-607~~.

(2) A person who sells livestock or offers livestock for sale at a livestock market without having the livestock inspected or removes livestock or causes livestock to be removed from a livestock market without obtaining a release is guilty of a misdemeanor and is punishable as provided in subsection ~~(6)~~ (5) of this section.

~~(3)--A--person--who--ships--by-railroad-carrier-and-the railroad-carrier-transporting-livestock-for-which-a--loading tally--has--been-filed-as-provided-by-81-4-607-and-for-which~~

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~~shipment of livestock an inspection has not been made which after shipment causes or permits the livestock to leave the custody of the railroad carrier at a place other than where this state regularly maintains a stock inspector is guilty of a misdemeanor and is punishable as provided in subsection (6) of this section.~~

~~(4)~~(3) A person who has in his charge livestock being removed from a county in the state for which an inspection certificate, a market consignment permit, transportation permit, or a market release certificate has been issued and fails to have in his possession accompanying the livestock the inspection certificate, market consignment permit, transportation permit, or a market release certificate as issued for the livestock, or who, having the certificate of inspection, market consignment permit, transportation permit, or market release certificate, fails to exhibit it to a sheriff, deputy sheriff, constable, gross vehicle weight enforcement officer, highway patrolman, state stock inspector, or deputy state stock inspector at his request is guilty of a misdemeanor and is punishable as provided in subsection ~~(6)~~ (5) of this section.

~~(5)~~(4) Except as specifically otherwise provided, a person violating any of the provisions of this part is guilty of a misdemeanor and is punishable as provided in subsection ~~(6)~~ (5) of this section.

~~(6)~~(5) Upon conviction under this section, a person, firm, association, or corporation shall be fined not less than $50 or more than $500 or imprisoned in the county jail for a period of not more than 6 months or both fined and imprisoned. Of all fines assessed and collected under this section, except those assessed and collected in a justice's court, 50% shall be paid into the state treasury and credited to the state special revenue fund for the use of the department and 50% shall be paid into the general fund of the county in which the conviction occurred."

Section 10. Section 81-4-201, MCA, is amended to read:

"81-4-201. Swine, sheep, llamas, bison, and goats running at large. It ~~shall be~~ is unlawful for any owner or person in control of swine, sheep, llamas, bison, or goats to willfully permit the same to run at large."

Section 11. Section 81-4-214, MCA, is amended to read:

"81-4-214. Branding ~~cattle~~ animals running at large -- running irons prohibited. Every person ~~save only~~ except an owner, and he only when branding on his own premises and in the presence of two responsible citizens, who marks or brands any calf or cattle that are running at large between December 1 and May 10 of the next ensuing year, and every person who shall at any time brand or cause to be branded or marked, any horse, mule, cattle or head of cattle, sheep, llama, bison, swine, or other animal, 1 year old or older,

with any piece of metal or implement, other than a branding iron, which branding iron shall be of the same design as the brand or mark owned by the party using it, or who shall so mark or brand, or cause to be marked or branded any of the animals aforesaid with any piece or pieces of iron called "running irons", such as bars, rings, half or quarter circles is punishable by imprisonment in the county jail for not exceeding 6 months, or by a fine of not less than $25 or more than $500, or both."

Section 12. Section 81-4-215, MCA, is amended to read:

"**81-4-215. Liability of owners of stock for trespass.** If any cattle, horses, mules, asses, hogs, sheep, llamas, bison, or other domestic animals break into any enclosure, the fence being legal as provided in 81-4-101, the owner of such animals is liable for all damages to the owner or occupant of the enclosure which may be sustained thereby. This section must not be construed so as to require a legal fence in order to maintain an action for injury done by animals running at large contrary to law."

Section 13. Section 81-4-306, MCA, is amended to read:

"**81-4-306. Penalty for permitting animals to run at large in herd districts.** (1) Any person who is the owner or entitled to the possession of any horses, mules, cattle, sheep, llamas, bison, asses, hogs, or goats, who ~~shall~~ willfully ~~permit same~~ permits such animals to run at large

within any herd district, ~~shall be~~ is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than $50 or more than $250 for each offense. Each day that each five head or less of such horses, mules, cattle, sheep, llamas, bison, asses, hogs, or goats are willfully permitted to run at large ~~shall constitute~~ constitutes a separate offense.

(2) Any person who is the owner or entitled to the possession of any bull, stallion, or jackass over 1 year of age who ~~shall~~ willfully ~~permit same~~ permits such animal to run at large within any herd district ~~shall be~~ is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than $50 or more than $250 for each offense. Each day that ~~such~~ a bull ~~be~~ is permitted to run at large ~~shall constitute~~ constitutes a separate offense."

Section 14. Section 81-4-401, MCA, is amended to read:

"**81-4-401. Certain livestock not to run at large in municipalities.** ~~It is hereby provided that livestock consisting of~~ No horses, cattle, mules, sheep, llamas, bison, goats, ~~and~~ or swine ~~or any such animals shall not~~ may be allowed to run at large in any incorporated city or ~~in any incorporated~~ town."

Section 15. Section 81-4-402, MCA, is amended to read:

"**81-4-402. Punishment for permitting trespass of livestock.** Any person owning livestock or having in charge

any horses, mules, cattle, sheep, llamas, bison, goats, or swine ~~or any such animals~~, who willfully and unlawfully permits ~~any~~ such livestock to trespass in violation of any of the provisions of 81-4-401~~, shall be deemed to be~~ is guilty of a misdemeanor and upon conviction thereof shall be punished ~~as such~~ as provided by law."

Section 16. Section 81-4-601, MCA, is amended to read:

"81-4-601. Estray defined. In this part, "estray" means a horse, mule, mare, gelding, colt, llama, bison, cow, ox, bull, stag, steer, heifer, calf, sheep, or lamb:

(1) not bearing a brand and the ownership of which cannot be determined by the stock inspector of the district in which the animal is found by inquiry among reputable resident stock owners or freeholders;

(2) bearing a recorded brand, the owner of which brand cannot be located at or through the post office designated on the records of the department or which owner cannot be located by the stock inspector of the district where the estray is found by inquiry among reputable resident stock owners or freeholders; or

(3) which bears an unrecorded brand, the owner of which unrecorded brand cannot be ascertained by the stock inspector of the district in which the animal is found by inquiry among reputable resident stock owners or freeholders."

Section 17. Section 81-4-603, MCA, is amended to read:

"81-4-603. Taking up and disposition of estrays -- advertisement. (1) A stock inspector authorized by the department shall take into his possession an estray found in his district and shall either ship or arrange for the shipment of the estray to a licensed livestock market for sale, or he may hold the estray in his possession and care for the estray in the cheapest and most practicable manner for a period of not less than 30 days or more than 60 days, during which time he shall advertise that he holds the estray and that, unless claimed by the owner, he will on a date to be specified in the notice sell the estray at a public auction to the highest bidder for cash.

(2) The notice shall be published in the newspaper doing the county printing of the county in which the estray is found and in addition to that paper in a paper published in the town or city nearest the place in which the estray is held. This notice shall be published at least once a week for 4 consecutive weeks and shall contain a statement of the date of the sale, the place where the sale is to be held, and a general description of the estray, including the sex and the approximate age, together with an illustration of the brand and the position of the brand on the estray and a description of the place or locality where the estray was found or taken.

(3) The proceeds from the sale shall be disposed of under 81-4-605 and 81-4-606.

(4) The owner of the estray may appear and claim it at any time before the sale or shipment, as provided in this part, ~~without cost or expense to the owner~~ upon payment to the department of the cost of caring for the estray as determined by the department."

Section 18. Section 81-4-621, MCA, is amended to read:

"**81-4-621. Penalties.** ~~(1)~~ Any person who shall, for his own use or benefit and without the owner's consent, take into his possession any estray shall be guilty of a misdemeanor and shall be punishable by a fine of not less than $25 or more than $100 or by imprisonment in the county jail not exceeding 60 days or by both such fine and imprisonment.

~~(2) Every person, agent, firm, or corporation violating the provisions of 81-4-607 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $300 or imprisoned in the county jail not to exceed 6 months or both fined and imprisoned.~~

~~(3) Any person, agent, firm, corporation, pool, or roundup association who shall ship cattle from this state and shall fail to make such inspection or tally at point of loading or who shall fail to file a true and correct tally, to the best of his knowledge and belief, of all the brands~~

~~of cattle in such shipment with the railroad agent at the point of shipment or who shall fail to forward a true and correct copy, duly signed by him as party making the shipment, to the stock inspector at point of destination or any person who shall accompany a shipment of cattle as the shipper in charge from this state and shall fail to take a description of any and every animal taken out in transit and hand such description to the stock inspector at point of destination or any stock inspector at market points who shall fail to make inspection as provided in 81-4-609 shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than $50 or more than $500 for each and every offense. The fines so collected, except those collected in a justice's court, shall be turned into the general fund of the county where conviction is had, and any stock inspector, sheriff, or other police officer shall have power to make arrests to enforce the provisions of this part.~~"

Section 19. Section 81-5-101, MCA, is amended to read:

"**81-5-101. Moving ~~cattle~~ livestock from customary range forbidden.** Every person who willfully moves or causes to be moved any cattle, horses, mules, swine, llamas, bison, or sheep from their customary range without the permission of the owner thereof is punishable by imprisonment in the county jail not exceeding 90 days or by fine not exceeding

$100, or both."

Section 20. Section 81-5-104, MCA, is amended to read:

"**81-5-104. Stolen livestock -- seizure and forfeiture of vehicle used to transport.** (1) The use of any vehicle for the transportation of any stolen mule, horse, mare, colt, foal, filly, sheep, lamb, cow, calf, heifer, steer, bull, llama, bison, hogs, poultry, or the products of any thereof is unlawful, and such vehicle shall be forfeited to the state. Any vehicle found in such use or upon probable cause believed to be devoted wholly or in part to such use shall be seized and held.

(2) Within 45 days after the seizure, any peace officer or officer of the agency that seizes any property shall file a petition to institute forfeiture proceedings with the clerk of the district court of the county in which the seizure occurs. The clerk shall issue a summons at the request of the petitioning party, who shall cause the same to be served upon all owners or claimants of the property by one of the following methods:

(a) upon an owner or claimant whose address is known, by personal service of a copy of the petition and summons as provided in the Montana Rules of Civil Procedure;

(b) upon an owner or claimant whose address is unknown but who is believed to have an interest in the property, by publication of the summons in one issue of a newspaper of

general circulation in the county where the seizure occurred or, if there is no such newspaper, by publication in one issue of a newspaper of general circulation in an adjoining county, and by mailing a copy of the petition and summons to the most recent address of such owner or claimant, if any, shown in the records of the division of motor vehicles.

(3) A vehicle is not subject to forfeiture under this section if:

(a) it is a stolen vehicle at the time it is used for such unlawful transportation; or

(b) the owner thereof is not in collusion with the party or parties guilty of the theft."

NEW SECTION. **Section 21. Repealer.** Sections 81-4-607 through 81-4-610, MCA, are repealed.

NEW SECTION. **Section 22. Extension of authority.** Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

-End-

STATE OF MONTANA — FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB276 as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

The act generally revises the laws relating to livestock; provides for seasonal brands of limited duration; revises brand inspection and transportation permit provisions; deletes provisions relating to transportation of livestock by railroad; deletes the brand inspection requirement for imported livestock; includes llamas and bison in laws relating to containment of livestock and unauthorized movement; and amends and repeals sections.

ASSUMPTIONS:

1. The number of seasonal brands recorded is insignificant when compared to the total number of brands recorded or transferred during a fiscal year.

2. The number of llamas and bison are insignificant when compared to the total number of livestock in the state, current staff can conduct the functions required by the act.

Ray Shackleford 1/25/89

RAY SHACKLEFORD, BUDGET DIRECTOR DATE
OFFICE OF BUDGET AND PROGRAM PLANNING

26 JAN 89

JOHN W. PATTERSON, PRIMARY SPONSOR DATE

Fiscal Note for HB276, as introduced

HB 276

DAILY ROLL CALL

AGRICULTURE COMMITTEE

50th LEGISLATIVE SESSION -- 1989

Date Feb 01 1989

NAME	PRESENT	ABSENT	EXCUSE
Rep. Bob Bachini, Chairman	✓		
Rep. Francis Koehnke, Vice Ch.	✓		
Rep. Gene DeMars	✓		
Rep. Jerry Driscoll	✓		
Rep. Jim Elliot	✓		
Rep. Linda Nelson	✓		
Rep. Bob Ream	✓		
Rep. Don Steppler	✓		
Rep. Vernon Westlake	✓		
Rep. Duane Compton	✓		
Rep. Orval Ellison	✓		
Rep. Bert Guthrie	✓		
Rep. Marian Hanson	✓		
Rep. Harriet Hayne	✓		
Rep. Betty Lou Kasten	✓		
Rep. Vernon Keller	✓		
Rep. John Patterson	✓		

Questions from Committee Members:

REP. ELLISON: Do you see management mediation increasing your liability? MR. GILL: We do all that we can as lenders to work out the situation with the borrowers. If we do deny voluntary mediation, we may be considered as not acting in good faith. The word "mandatory" could put increased emphasize on mediation and may cause some increased animosity.

REP. KASTEN: Is your intent to make the borrower more responsive to the lender? MR. GILL: I do not see the bill as putting criteria on the creditor. In other words, he could use it or not. But the borrower is also going to know that it is available. Before any creditors actually take any action against him. So it is probably to his advantage to delay. If it is an adverse creditor, then there probably would be a different route to be taken to recover. REP. KASTEN: Does the bill address the concern that a borrower can come forward on his own merit? MR. GILL: No, I do not believe that it does. But I do feel that in voluntary mediation the lender can then take that prerogative, or that step forward. Neither side is bound at the end. If you are headed for litigation anyway it may not be prudent.

REP. KASTEN: Are you aware of other programs that require mediation, either federal or state? MR. ROSS: A number of states do have voluntary mediation. The Farm Credit Act of 1987 does affect the requirement to mediate. REP. KASTEN: Who bares the costs of this? MR. ROSS: The lender would, from the standpoint of time. In bankruptcy law, it recognizes that you do not have the use of the money. I am unsure of the current Montana law regarding this. The depositor and stockholders of the lending institutions are then carrying the costs incurred.

REP GUTHRIE: Do you feel the passage of this bill would accommodate the borrower or the lender? MR. ROSS: I feel that it would benefit both. But, it must be on a voluntary basis. I would like to call the Committees attention to certain sections of the bill that state "in bad faith," the term was incomplete at best. Who is to say what these terms mean?

Closing by Sponsor:

REP. ELLIOTT: deferred closing at the request of Chairman Bachini until a new date was set to present the remainder of testimony for this bill.

HEARING ON HOUSE BILL 276

Presentation and Opening Statement by Sponsor:

REP. PATTERSON: The passage of this bill would protect livestock.

List of Testifying Proponents and What Group They Represent:

Mr. Les Graham/ Dept. of Livestock, Helena (See Exhibit #5)

Mr. Jerry Jack/ MT. Stockgrowers Association, Helena (See Exhibit #2)

Ms. Kay Norenberg/ WIFE, Women Involved in Farm Economics, "support this bill in its entirety."

Ms. Lorna Frank/ Calf Feeders Today and MT. Farm Board, Helena "support this bill."

Rep. Swysgood/ District 73, "supports this bill and it's amendments."

List of Testifying Opponents and What Group They Represent:

none

Testimony:

All testimony is listed above, in brief, and noted as exhibits.

Questions from the Committee:

REP. KASTEN: What would happen if the sheriff in some of these counties did not want to be bothered with permits? MR. GRAHAM: In some counties, that does occur. In such cases, we designate local inspectors to be appointed in the area. Lewis and Clark county was a good example. The sheriffs do not do inspections. REP. KASTEN: I have concerns that some ranchers, when in the midst of traveling, depend on the sheriff in that area. How would you propose to address that problem? MR. GRAHAM: In those rural counties in particular, the Dept. would not allow a sheriff to conduct inspections because they may not be interested. Usually, most counties will then hire a deputy with livestock background to conduct the necessary duties.

REP. ELLISON: On the temporary brands, does the Dept. follow up to locate any duplicate brands? MR. GRAHAM: We do attempt not to duplicate brands.

REP. KELLER: I would like some clarification on how the Dept. follows up on brands. MR. GRAHAM: The Dept. has a "Truck Stop Book" that contains that information.

REP. KASTEN: Would a rancher be required to carry a certificate

of treatment with them? MR. GRAHAM: Most veterinarians will issue a certificate. There are many ways to verify treatment.

Closing by Sponsor:

REP. PATTERSON: closed to the Committee noting that he requests an effective date of 3/31/89.

DISPOSITION OF HOUSE BILL 276

Motion: Rep. Koehnke: made the motion "do pass"

Discussion: none

Amendments and Votes: Rep. Ellison: made the motion "do pass on amendments" Rep. Patterson: noted that the amendments were approved by the Dept. of Livestock. (See Standing Committee Report)

Recommendation and Vote: THEREFORE THE COMMITTEE RECOMMENDS A "DO PASS AS AMENDED" FOR THIS BILL.

ADJOURNMENT

Adjournment At: 4:25 p.m.

Bob Bachini
REP. BOB BACHINI, Chairman

BB/mc
2701.min

Original report missing.

STANDING COMMITTEE REPORT

February 2, 1989

Mr. Speaker: We, the committee on Agriculture, Livestock, and Irrigation report that HOUSE BILL 276 (first reading copy -- white) do pass as amended .

Signed: _____
Bob Bachini, Chairman

And, that such amendments read:

1. Title, line 13.
Following: "LIVESTOCK;"
Insert: "DELETING GROSS VEHICLE WEIGHT OFFICERS AS INSPECTORS OF CERTAIN PERMITS;"

2. Title, line 17.
Strike: "AND"

3. Title, line 18.
Following: "81-4-610"
Insert: "AND 81-8-801 THROUGH 81-8-805"
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

4. Page 13, line 2 and line 3.
Strike: "gross vehicle weight enforcement officer"

5. Page 15, line 16.
Strike: "December 31"
Insert: "November 30"

6. Page 21, line 17 and line 18.
Strike: "gross vehicle weight enforcement officer"

7. Page 30, line 14.
Following: "81-4-610"
Insert: "and 81-8-801 through 81-8-805"

8. Page 30.
Following: line 18
Insert: "NEW SECTION. Section 23. Effective date. [This act] is effective on passage and approval."

H.B. 276

EXHIBIT 5
DATE 2/1/89
HB 276

Summary.

1.) Llamas & Bison

These are being included because we are beginning to get calls about strays or animals running at large.

Also, we have had requests to assist owners with this type of livestock being harassed by dogs or predators. They should be included in definition of livestock.

2.) Seasonal Brands

More and more we are becoming a summer grass state. Cattle are coming into Montana for short term grazing. When brands are issued under current law they stay on the books until the next re-record. This way, when the cattle leave, we cancel the brand. This is the same law as several other states now have.

3.) Sheriff or Deputy

For a number of years now many sheriff's offices are not inspecting livestock. We are making the law consistent with what we now do.

4.) Grazing Permit

Our experience with this has been that we need to use a little longer period of time. Six months does not cover the grazing season in Montana. We feel an extension is in order to accommodate the industry.

5.) Gross Vehicle Weights

The amendment removes G.V.W. officers. This was done at the request of several legislators.

6.) Rodeo Permits

We are recommending that we go to an annual permit, since rodeos are now held year around in Montana. In 1976 when this permit was first established by the legislature we didn't have the indoor arenas.

7.) Railroad Shipments

We are asking to repeal the sections dealing with railroad shipments of livestock. We don't have or print the special books any longer. Livestock do not move by rail any longer. If they do, we inspect rail shipments just as we do truck shipments.

8.) Import Brand Inspection

Since it's inception in 1975, we have been unable to work with this law. We don't have the time, people, or support of the livestock industry. We feel comfortable in that we do have a import permit requirement in the Animal Health laws which covers this.

9.) Recovering Costs of Strays

The Department has from time to time been left with a sizeable bill dealing with stray livestock. We feel we should be able to recover our costs, or the costs of stockyards.

10.) County Line Waiver for Veterinarian Services

It has been the practice of the Department to allow emergency livestock travel to receive veterinarian services. We feel that the statute should be changed to allow this and also provide that the veterinarian certify the service.

EXHIBIT 6
DATE 2/1/89
HB 276

DEPARTMENT OF LIVESTOCK

Stan Stephens, Governor
~~TED SCHWINDEN, GOVERNOR~~

CAPITOL STATION

STATE OF MONTANA

(406) 444-2023

HELENA, MONTANA 59620

January 25, 1989

TO: Representative John Patterson

FROM: Les Graham, Executive Secretary
To the Board of Livestock

RE: H.B. 276

The question has come up about the language in H.B. 276 regarding "Sheriff's Offices".

Attached is a list of the Sheriff's offices that do and do not brand inspect.

You can see that 27 out of the 56 don't inspect at this time, and can't if we don't appoint them.

Attachment

SHERIFF'S OFFICES THAT HANDLE BRAND INSPECTION

Dawson

McCone

Wibaux

Richland - P.D.

Treasure

Powell

Granite

Deer Lodge

Stillwater

Sweet Grass

Blaine

Rosebud

Garfield

Wheatland

Musselshell

Golden Valley

Sheridan

Roosevelt

Daniels

Judith Basin

Teton

Beaverhead

Fallon

Carter

Custer

Prairie

Toole

Liberty

Pondera

SHERIFF'S OFFICES THAT DON'T HANDLE BRAND INSPECTION

Yellowstone
Lewis & Clark
Butte - Silver Bow
Jefferson
Hill
Meagher
Ravalli
Missoula
Broadwater
Valley
Fergus
Petroleum
Cascade
Lake
Flathead
Lincoln
Madison
Phillips

18

These write market consignment permits only. They do not brand inspect.

Big Horn
Carbon
Sanders
Mineral
Gallatin
Park
Choteau
Glacier
Powder River

9

ROLL CALL

AGRICULTURE COMMITTEE

DATE 3/3/89

51st LEGISLATIVE SESSION 1989

NAME	PRESENT	ABSENT	EXCUSED
SENATOR HUBERT ABRAMS	✓		
SENATOR GARY AKLESTAD	✓		
SENATOR ESTHER BENGTSON	✓		
SENATOR GERRY DEVLIN	✓		
SENATOR JACK GALT	✓		
SENATOR GREG JERGESON	✓		
SENATOR GENE THAYER	✓		
SENATOR BOB WILLIAMS	✓		
SENATOR TOM BECK	✓		

Each day attach to minutes.

Testimony:

Everet Snortland - "We encourage you to support HB 190."

Janet Ellis - See exhibit 5 for testimony.

Questions From Committee Members: Senator Galt - "What are you going to do with the money?" Gary Gingery, with the Montana Department of Agriculture, stated "The fee increase will bring in about $137,000. In the budget process, we propose to under modify budgets. We would strain off $98,000 of that ($137,000) to place a pesticide specialist in the division. This specialist would work on these programs to develop the educational and training of special aspects for employing a chemists. This chemist will help us run additional ground water samples in the state...The remaining money will be used to utilized to reduce our general fund obligation."

Closing by Sponsor: Representative Hanson - "I urge you to give this a do pass."

DISPOSITION OF HOUSE BILL 190

Discussion: None

Amendments and Votes: None

Recommendation and Vote: Senator Bengtson moved HB 190 TO BE CONCURRED IN; Senator Devlin second the motion. The motion carried unanimously.

Senator Bengtson was assigned to carry HB 190.

HEARING ON HOUSE BILL 276

Presentation and Opening Statement by Sponsor: Representative Patterson, House District 97, stated "This bill is a revision livestock law. There are ten points that we are changing in the Montana Brand Livestock Law. The change with seasonal brands is a major change. Look on page 3, lines 10 - 13. I'll let Les Graham explain these changes more clearly." Representative Patterson submitted three documents from Les Graham. See exhibit 1.

List of Testifying Proponents and What Group They Represent:

Les Graham representing the Board of Livestock
Jerry Jack representing the Montana Stockgrowers Association, the Montana CattleWomen, Farmers Union and the Montana Association of State Grazing Districts.
Jo Brunner representing the Montana Veterinary Association

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Les Graham - "That summary sheet outlines the intention quite well." See exhibit 2. "What that seasonal brand amounts to, it will allow us to bring in livestock for summer pasture. The seasonal brand will give them a brand that won't stay on our books for full 10 years until the next rerecord. We have a number of brands that have been tied up by an individual coming into the state for one time only. Then the brand is tied up until the next rerecord. This bill will allow us to do what eight other states are doing. They will be issued without interfering with registered recorded brand or duplications of brands and this type of thing. We will use all of the same guidelines but it will allow us to free them up. Under current law, the sheriff is obligated to give you a brand inspection. In reality, there is half of them that don't have brand inspection books. Usually, that's their choice. They want to be a backup for us incase no one is available to write out a brand inspection. They don't like to do it and they are busy with other things. The rest of this bill is self-explanatory. One issue, I would like to bring up, is number 10. This is the county line waiver for veterinary services. We will allow animals to go for veterinary services and return without having somebody to stop and get a brand inspection." See exhibit 9 for further testimony.

Jerry Jack - See exhibit 3 for testimony.

Jo Brunner - "We certainly support this bill on the part that allows you to cross county lines to take your animals to veterinary clinic. We urge your support."

Questions From Committee Members: Senator Devlin - "On this transport to a veterinarian, is that only good if you cross one county or could it be more than one county?" Les Graham - "It's our understanding that a rancher can take the animal where ever there is a veterinary."

Senator Williams - "Are all sheriff offices required to check brands or is that an option of theirs?" Les Graham - "At the current time, the law states the sheriff shall issue a state brand inspection upon request. In reality, there are many sheriffs that don't write inspections and they haven't been for many years. Right now, you can go in and demand them to do it, but many of them don't have books to do it."

Senator Beck - "I am not aware of a full-time brand inspector in our county. Our sheriff does do a lot of brand inspections. Does this disallow him from doing it?" Les Graham - "This says in a county like Missoula, where the sheriff's office does not have inspection books and does not want inspection books; he does not have to issue one if someone stops in and asks for one."

Closing by Sponsor: Representative Patterson closed.

DISPOSITION OF HOUSE BILL 276

Discussion: Senator Beck - "The Montana Beef Research and Marketing Act, are you familiar with that? This bill is repealing it."

Amendments and Votes: None

Recommendation and Vote: Senator Devlin moved HB 276 TO BE CONCURRED IN. The committee wanted Doug Sternberg to research what the Montana Beef Research and Marketing Act. Senator Devlin withdrew his motion.

HEARING ON HOUSE BILL 423

Presentation and Opening Statement by Sponsor: Representative Grady, House District 47, "HB 423 will establish a permit system to transport sheep across the county line. This is a very simple permit to fill out. There is a growing number of wrestling going on within the sheep business today. A ram can now go for $400 more than a lot of horses and cows. It is becoming something that's becoming valuable to wrestle."

SENATE AGRICULTURE
EXHIBIT NO. 1
DATE 3/3/89
BILL NO. HB 276

DEPARTMENT OF LIVESTOCK

Stan Stephens, Governor
~~TED SCHWINDEN, GOVERNOR~~

CAPITOL STATION

STATE OF MONTANA

(406) 444-2023

HELENA, MONTANA 59620

January 25, 1989

TO: Representative John Patterson

FROM: Les Graham, Executive Secretary
To the Board of Livestock

RE: H.B. 276

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Attached is a list of the Sheriff's offices that do and do not brand inspect.

You can see that 27 out of the 56 don't inspect at this time, and can't if we don't appoint them.

Attachment

Ex. #1
3/3/89
HB 276

SHERIFF'S OFFICES THAT HANDLE BRAND INSPECTION

Dawson
McCone
Wibaux
Richland - P.D.
Treasure
Powell
Granite
Deer Lodge
Stillwater
Sweet Grass
Blaine
Rosebud
Garfield
Wheatland
Musselshell
Golden Valley
Sheridan
Roosevelt
Daniels
Judith Basin
Teton
Beaverhead
Fallon
Carter
Custer
Prairie
Toole
Liberty
Pondera

Ex #1
3/3/99
HB276

SHERIFF'S OFFICES THAT DON'T HANDLE BRAND INSPECTION

Yellowstone	Valley
Lewis & Clark	Fergus
Butte - Silver Bow	Petroleum
Jefferson	Cascade
Hill	Lake
Meagher	Flathead
Ravalli	Lincoln
Missoula	Madison
Broadwater	Phillips

These write market consignment permits only. They do not brand inspect.

Big Horn	Park
Carbon	Choteau
Sanders	Glacier
Mineral	Powder River
Gallatin	

SENATE AGRICULTURE
EXHIBIT NO. 2
DATE 3/3/85
BILL NO. HB276

H.B. 276

Summary.

1.) Llamas & Bison

These are being included because we are beginning to get calls about strays or animals running at large.

Also, we have had requests to assist owners with this type of livestock being harassed by dogs or predators. They should be included in definition of livestock.

2.) Seasonal Brands

More and more we are becoming a summer grass state. Cattle are coming into Montana for short term grazing. When brands are issued under current law they stay on the books until the next re-record. This way, when the cattle leave, we cancel the brand. This is the same law as several other states now have.

3.) Sheriff or Deputy

For a number of years now many sheriff's offices are not inspecting livestock. We are making the law consistent with what we now do.

4.) Grazing Permit

Our experience with this has been that we need to use a little longer period of time. Six months does not cover the grazing season in Montana. We feel an extension is in order to accommodate the industry.

5.) Gross Vehicle Weights

The amendment removes G.V.W. officers. This was done at the request of several legislators.

6.) Rodeo Permits

We are recommending that we go to an annual permit, since rodeos are now held year around in Montana. In 1976 when this permit was first established by the legislature we didn't have the indoor arenas.

7.) Railroad Shipments

We are asking to repeal the sections dealing with railroad shipments of livestock. We don't have or print the special books any longer. Livestock do not move by rail any longer. If they do, we inspect rail shipments just as we do truck shipments.

8.) Import Brand Inspection

Since it's inception in 1975, we have been unable to work with this law. We don't have the time, people, or support of the livestock industry. We feel comfortable in that we do have a import permit requirement in the Animal Health laws which covers this.

9.) Recovering Costs of Strays

The Department has from time to time been left with a sizeable bill dealing with stray livestock. We feel we should be able to recover our costs, or the costs of stockyards.

10.) County Line Waiver for Veterinarian Services

It has been the practice of the Department to allow emergency livestock travel to receive veterinarian services. We feel that the statute should be changed to allow this and also provide that the veterinarian certify the service.

SENATE AGRICULTURE
EXHIBIT NO. 2A
DATE 3/3/89
BILL NO. HB 27

PS 1

BILL SUMMARY--SENATE AGRICULTURE COMMITTEE
MARCH 3, 1989
PREPARED BY DOUG STERNBERG, COMMITTEE STAFF

HB 423 Section 1: grants to the department of livestock authority to establish a sheep transportation system if found to be necessary; establishes a penalty for a rules violation

Section 2: repeals present transportation permit system

Section 3: codifies section 1 in Livestock Title

Section 4: terminates permit system on 9/30/93

HB 276 Section 1: adds llamas and bison to the definition of "livestock" contained in the Animal Importation Permits and Health Certificate Act of 1981

Section 2: provides an application process for a seasonal brand of limited duration

Section 3: removes references to sheriffs and deputy sheriffs from the duties of state and deputy stock inspectors; changes 6-month livestock transportation permit validation period to the period from March 31 through November 30 of a calendar year (see p. 15, lines 21 & 22)

Section 4: removes sheriffs and deputy sheriffs from brand inspection and transportation permit fee collection process

Section 5: defines "rodeo producer" for purposes of subsection (6)(c) (see page 15, lines 4-- 14); specifies transportation permit validation period as March 31 through November 30 of a calendar year; requires Montana-registered branding prior to permit issuance

Section 6: removes railroad transportation of livestock from brand inspection and permit exceptions; removes truck or trailer transportation of livestock to railhead from brand inspection and permit exceptions; adds transportation of livestock for veterinary purposes to brand inspection and permit exceptions

Section 7: clarifies brand inspection required of livestock leaving Montana

Section 8: revises entry permit system for livestock entering Montana

Section 9: revises penalty section by: (a) removing loading tally requirement on livestock leaving a county (loading tally requirement repealed in sec. 21); (b) removing railroad carrier loading tally requirement; (c) adding transportation permits to list of permits required to be in possession upon removal of livestock from a county; and (d) deleting gross vehicle weight enforcement officers from list of persons to whom permits must be shown

Sections 10--15: adds llamas and bison to list of animals subject to prohibitions on running at large in herd districts, municipalities, and generally

Section 16: adds llamas and bison to definition of "estray"

Section 17: requires of livestock owner reimbursement of department expenditures in caring for estrays

Section 19: adds swine, llamas, and bison to penalty provision for unlawful movement from customary range
Section 20: adds llamas and bison to list of stolen animals for which vehicle forfeiture is required
Section 21: repeals sections relating to shipment of stray cattle; repeals the Montana Beef Research and Marketing Act
Section 22: extends agency rulemaking authority
Section 23: provides immediate effective date

HB 190 Section 1: clarifies that pesticide education program fees may not be used for salaries or travel expenses of state agency or cooperative extension service employees
Section 2: raises annual pesticide registration fee and experimental-use one-time fee from $50 to $75
Section 3: raises commercial pesticide applicator application fee from $35 to $45; provides that a commercial applicator is responsible for pesticide use by persons under his supervision or employment
Section 4: raises pesticide dealer application and licensing fees from $35 to $45
Section 5: adds to general violation section the use of any unregistered chemical or biological agent
Section 6: extends agency rulemaking authority
Section 7: standard severability section
Section 8: provides 7/1/89 effective date

HB 658 Section 1: sets out general criteria required for grant of agricultural development project loan
Section 2: provides that seed capital loans may be made if criteria in sections 1 and 3 and goals in subsection (2) are met
Section 3: establishes specific criteria for grant of seed capital loans
Section 4: provides that a research and development loan may be made if criteria in sections 1 and 5 and goals in subsection (2) are met
Section 5: establishes specific criteria for grant of research and development project loans
Section 6: sets out conditions and contents required of agricultural development project loan agreements
Section 7: sets out conditions and requirements of seed capital project loan agreements, including payback
Section 8: sets out conditions and requirements of research and development project loan agreements, including payback
Section 9: establishes council rulemaking requirements
Section 10: adds 19 definitions to Montana Growth Through Agriculture Act
Section 11: clarifies council loan authority; deletes former council rulemaking requirements
Section 12: revises seed capital account matching fund provisions; eliminates application preference provisions
Section 13: revises ag business incubator program funding criteria
Section 14: removes requirement of commitment of funds

Ex. 2A
3/3/89
HB 276
PS 3

Section 15: deletes language relating to council investment agreements
Section 16: adds council option of assisting in placement of marketing person in a Pacific Rim country besides Japan
Section 17: extends agency rulemaking authority
Section 18: codifies new sections in Montana Growth Through Agriculture Act
Section 19: standard severability section
Section 20: provides immediate effective date

SENATE AGRICULTURE
EXHIBIT NO. 3
DATE 3/3/89
BILL NO. HB 276

MONTANA STOCKGROWERS ASSOCIATION, INC.

P.O. BOX 1679 — 420 NO. CALIFORNIA ST. — PHONE (406) 442-3420 — HELENA, MONTANA 59624

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NANCY ESPY	BOYES	GREG RICE	HARRISON

March 3, 1989

Mr. Chairman and Members of the Committee, I am Jerry Jack and represent the Montana Stockgrowers Association. Today my testimony also represents the concerns of the Montana CattleWomen, formerly known as, and Montana Association of State Grazing Districts. We rise in support of House Bill 276 which is a request from the Department of Livestock to generally correct some situations which now exist throughout Montana.

This bill will be good for the livestock industry since it will finally address the use of seasonal brands in our State. Montana is becoming a summer-fall grazing state for out of state owners. In essence, cattle are brought into the state for a short term grazing period and then are often hauled back to either their home ranches or on to feedlots. This bill will allow the Department of Livestock to designate a specific period of time when a brand can be used. This is a useful law which several adjacent states already have on their books.

In addition, this bill will allow the Department to extend grazing permits from six months to nine months which is more in keeping with normal grazing seasons in Montana. We appreciate this accommodation by the Department of Livestock as it will allow for greater ease of movement of our herds.

There are other housekeeping measures in this bill which we also support, including the extension of an annual rodeo permit which will certainly help rodeo stock contractors thoughout Montana.

In closing, we hope that this committee will give a "do pass" recommendation to this bill. Thank you.

Jerry Jack

SENATE STANDING COMMITTEE REPORT

March 6, 1989

MR. PRESIDENT:

We, your committee on Agriculture, Livestock, and Irrigation, having had under consideration HB 276 (third reading copy -- blue), respectfully report that HB 276 be concurred in.

Sponsor: Patterson (Devlin)

BE CONCURRED IN

Signed: Thomas A Beck

Thomas A. Beck, Chairman

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